

(1) Adopt Article 5, and Section 119184 to read as follows:

Chapter 9. Collection and Distribution of Child Support.

Article ~~4~~ 5. Notices General Requirements.

Section 119184. Monthly Statement of Collections and Distribution and Important Information Sheet.

(a) Each local child support agency shall issue a "Monthly Statement of Collections and Distribution", CS 916, dated (03/02), and "Notice of Important Information", CS 917, dated (03/02), each incorporated by reference herein, to each custodial party who is a recipient of child support services. The statement shall include, but not be limited to, the information required by Title IV-D of the Social Security Act, federal regulation, and the First Amended Permanent Injunction and Judgment, filed with the United States District Court, Eastern District of California, in the case of Barnes v. Anderson, Case No. CIV- S-90-0579.

(b) The statement specified in (a), above, shall be sent to all custodial parties within 45 days from the end of the statement period when there is either a collection or distribution of support during the period covered by the statement.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17306, ~~and 17401.5~~, 17504, 17800 and 17801, Family Code; 42 United States Code, Section 654; 45 Code of Federal Regulations, Section 302.54; and Barnes v. Anderson et al., First Amended Permanent Injunction and Judgment, NO. CIV S-90-0579, filed December 14, 1998 (United States District Court for the Eastern District of California).

Our records reflect that you ☐ were ☐ were not on CalWORKs for the month. If this information is incorrect, please call your local child support agency at the number listed on page two in the RIGHT TO COMPLAINT RESOLUTION section.

CASE: CP VS NCP

DATE OTHER PARENT PAID	DATE LCSA GOT THE PAYMENT	HOW MUCH MONEY WAS PAID TO THE LCSA	DATE OTHER PARENT PAID	DATE LCSA GOT THE PAYMENT	HOW MUCH MONEY WAS PAID TO THE LCSA
<div style="display: flex; justify-content: space-between;"> <div> <p>TOTAL PAYMENTS</p> <p>\$</p> </div> </div>					

PLEASE KEEP THIS FORM FOR YOUR RECORDS

HOW TO MAKE A COMPLAINT ABOUT THE MONTHLY STATEMENT OF COLLECTIONS AND DISTRIBUTION

RIGHT TO COMPLAINT RESOLUTION:

If you think a mistake has been made in the money paid to the local child support agency and/or how the money was paid out, the child support program has a complaint resolution process. To start the complaint resolution process, you should call or write to your local child support agency at:

Local Child Support Agency

IMPORTANT: Your request for complaint resolution must be made within 90 days from the date you knew, or should have known, about the mistake made in the money.

The local child support agency has 30 days from the date it receives your complaint to provide you with a written resolution of your complaint, unless the local child support agency determines more information or time is needed to resolve your complaint. The local child support agency will contact you if it needs more information or time to resolve your complaint.

RIGHT TO STATE HEARING:

If the local child support agency does not respond to you within 30 days from receiving your complaint, you have the right to request a state hearing before an Administrative Law Judge.

IMPORTANT: If the local child support agency did not respond to you within 30 days, and you decide to request a state hearing, your request for a state hearing must be made within 90 days after you made your complaint with the local child support agency.

If the local child support agency **does** respond to you within 30 days of making your complaint, and you are not satisfied with the local child support agency's complaint resolution or response, you have the right to request a state hearing before an Administrative Law Judge.

IMPORTANT: If you are not satisfied with the local child support agency's complaint resolution or response, and you decide to request a state hearing, your request for state hearing must be made within 90 days after you received the local child support agency's written response. You will receive instructions on how to file for a state hearing when you file a complaint with the local child support agency.

**THIS NOTICE HAS IMPORTANT INFORMATION ABOUT SUPPORT
THAT HAS BEEN COLLECTED - PLEASE READ IT CAREFULLY**

The Monthly Statement of Collections and Distribution (also referred to as Monthly Statement) tells you about money that was paid to the local child support agency or paid out by the local child support agency during the month. You will not receive a Monthly Statement if no money was paid to the local child support agency and no money was paid out by the local child support agency during the month. If you believe any information on the Monthly Statement is wrong or you have any questions about your case, please see the back of your Monthly Statement about calling your local child support agency.

The following information will help you understand the Monthly Statement.

1. PAYMENTS TO THE LOCAL CHILD SUPPORT AGENCY (LCSA)

- **DATE OTHER PARENT PAID:** This tells you the date in the month that the other parent paid. For all money received by wage assignment, the DATE OTHER PARENT PAID is the date the employer withheld money from the other parent's paycheck.
- **DATE LCSA GOT THE PAYMENT:** This tells you the date in the month that the local child support agency received the money.
- **HOW MUCH MONEY WAS PAID TO THE LCSA:** This is the amount of money that was received by the local child support agency.

2. HOW THE MONEY WAS PAID OUT - CURRENT SUPPORT

- **CURRENT SUPPORT PAID TO YOU:** This is the amount of money sent to you as current support. If you have never been on CalWORKs, or you were not on CalWORKs for the month reported, you must be sent all the money up to the amount set as current support in your last court order.
- **CalWORKs DISREGARD PAID TO YOU:** This is the amount of money sent to you as a disregard. Disregards come from current support only. You are entitled to only the first \$50 of money received for the current month. This \$50 limit applies even if current support is received from more than one other parent or for more than one child. This money is called a disregard because it is not counted against your aid. The disregard payment must be sent to you within two business days from the DATE LCSA GOT THE PAYMENT.

All money received from a federal income tax refund must be applied to past due support only. No disregards or current support are paid from this money.

CONTINUED ON REVERSE

3. HOW THE MONEY WAS PAID OUT - PAST DUE SUPPORT

- **PAST DUE SUPPORT PAID TO YOU:** This is the amount of money being paid to you as past due support owed to you.

4. HOW THE MONEY WAS PAID OUT - CURRENT AND PAST CalWORKs OR PAST FOSTER CARE RECIPIENTS ONLY

- **AMOUNT OF SUPPORT USED TO REPAY CalWORKs OR FOSTER CARE:** This is the amount of money being used to repay cash aid paid to you or Foster Care benefits paid for your child.
- **EXCESS SUPPORT PAID TO YOU:** This is the amount of money that is paid to you after all cash aid or Foster Care (unreimbursed assistance) has been repaid. The total amount of unreimbursed assistance we may recover is limited to the total amount of aid paid to the family or Foster Care paid out. We may recover this amount from child support assigned as a condition of receiving cash aid or Foster Care benefits.

OTHER INFORMATION

- Please keep this Monthly Statement. **PAYMENTS TO THE LOCAL CHILD SUPPORT AGENCY** and **HOW THE MONEY WAS PAID OUT** may not balance because support may be received at the end of one month and paid out at the beginning of the next month. By keeping this Monthly Statement, you can compare it to the next Monthly Statement you get to see how **PAYMENTS TO THE LOCAL CHILD SUPPORT AGENCY** were paid out.
- If you have **new** information about the other parent's income, employment or assets, or change of address information for you or the other parent, please contact the local child support agency.
- Please look at the boxes on the front of your Monthly Statement that tell if you "were" or "were not" on CalWORKs for the month. If this information is incorrect, please call your local child support agency at the number listed.

- (4) Repeal Manual of Policies and Procedures Section 12-225.3 as follows:

12-225 PROGRAM PERFORMANCE STANDARDS - COLLECTION 12-225
AND DISTRIBUTION

- .1 The district attorney shall notify the county welfare department in writing when the district attorney discovers that a direct payment has been retained by a family receiving aid.
- .2 The district attorney shall be responsible for distributing collections for all cases in which there is a support order being enforced by the district attorney.
 - .21 Such distribution shall be completed in accordance with the standards specified in Section 12-108.
- ~~.3 On or before September 30 of each year, the district attorney shall provide a notice of collections received during the previous state fiscal year.~~
 - ~~.31 The notice shall be sent to all of the following:~~
 - ~~.311 Families currently receiving aid.~~
 - ~~.312 Families which formerly received aid and continue to receive Child Support Enforcement Program services on whose cases an assigned collection was made.~~
 - ~~.32 The notice shall contain all of the following information:~~
 - ~~.321 The total amount of assigned collections received during the prior fiscal year, or zero if no assigned collections were received.~~
 - ~~.322 The total amount of payments to the family, or zero if no amounts were paid to the family.~~
 - ~~.323 In the case of multiple absent parents, a separate listing of collections from each absent parent, or zero if no collections were received from an absent parent.~~

NOTE: Authority cited: Sections 10553, and 10554, 11475, and 11479.5, Welfare and Institutions Code. Reference: ~~Sections 11479.5 and 15200.8, Welfare and Institutions Code; and 45 CFR 302.31(a)(3)(i), .32, .37, .51; and .52, and .54(a) and (b).~~

FINAL STATEMENT OF REASONS

Update of Initial Statement of Reasons

The scope of the Barnes Notice regulations, Monthly Statement of Collections and Distribution and Important Information Sheet described in the Initial Statement of Reasons Informative Digest/Policy Statement Overview (found behind Tab 1 of the permanent rulemaking file in the Notice of Proposed Action) remains unchanged. The regulations and forms are already in place on an emergency basis (OAL File No. 02-0520-01E) and have been adopted on a permanent basis by this certificate of compliance rulemaking. Only minor nonsubstantive changes have been made to the regulations and forms publicly noticed at the beginning of this rulemaking. Changes consisted of renumbering and renaming of the Article and some authority and reference citation additions and deletions.

The Department of Child Support Services is required by Family Code Section 17306(d) to consult with a wide array of statutorily specified stakeholders. These stakeholders include: counties, custodial and noncustodial parent advocates, labor organizations, judiciary, and legislative committees. The Department met these requirements through a series of consultative interactions. The first was the establishment of the P3 Steering Committee with diverse membership as documented on the attached materials. Also, various P3 committees were established with even broader membership from the required groups. These P3 committees met biweekly for six months. This is also documented in Attachment A. The Department also met with plaintiff's counsel from the case of Barnes v. Anderson and other interested advocates to ensure that the form contained within these regulations satisfied and improved upon the requirements set forth in the First Amended Permanent Injunction and Judgment, NO. CIV S-90-0579, filed December 14, 1998 (United States District Court for the Eastern District of California). Further, during the emergency rulemaking process, which preceded this certificate of compliance rulemaking, the Department distributed the draft regulations for review first by county representatives, and then by a diverse group of stakeholders identified on the "Stakeholders" distribution list included in Attachment A. Also, the certificate of compliance process requires at least a 45-day public comment period. This requirement was complied with and the mailing list to whom the regulations were mailed is provided in the permanent rulemaking file behind Tab 2. Finally, the regulations text was posted on the Department's public website at <http://www.childsup.cahwnet.gov/> for the full 45 day public comment period making it available for anyone to comment.

Forms

The required notification information must be transmitted to the public on standard forms specifically designed for that purpose. The formats of both the CS 916 (03/02) entitled "MONTHLY STATEMENT OF COLLECTIONS AND DISTRIBUTIONS" and the

CS 917 (03/02) entitled "THIS NOTICE HAS IMPORTANT INFORMATION ABOUT SUPPORT THAT HAS BEEN COLLECTED - PLEASE READ IT CAREFULLY" have been developed in consultation with a wide array of stakeholders and parties to the litigation. Both forms are adopted in this rulemaking.

Manual of Policies and Procedures (MPP)

Subsection 12-225.3 of the MPP has been repealed because the regulatory provisions previously contained there have been modified and relocated to 22 CCR Section 119184.

Documents Relied Upon

The Department relied upon the following Family Support Division (FSD) Letters and Family Support Division Information Notices (FSDIN):

- Barnes v. Anderson et al., First Amended Permanent Injunction and Judgment, NO. CIV S-90-0579, filed December 14, 1998 (United States District Court for the Eastern District of California).
- FSDIN Letter No. I-65-98, "Modifications to the Barnes v. Anderson Permanent Injunction and Judgment, the Monthly Statement of Collections and Distribution, and Important Information Sheet."
- FSD Letter No. 97-14, "Implementation of the Monthly Statement of Collections and Distribution."

Local Mandate Determination:

The Department has determined that the regulations would not impose a mandate on local agencies or school districts.

Consideration of Alternatives:

The Department has determined that no reasonable alternative considered by the Department or that has otherwise been identified or brought to the attention of the Department would be more effective in carrying out the purpose for which these regulations are being implemented or would be as effective and less burdensome to affected private persons than these regulations.